

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BANK OF AMERICA,

Plaintiff,

v.

TRAVELERS INDEMNITY COMPANY,  
*et al.*,

Defendants.

No. C07-0322RSL

ORDER GRANTING IN PART  
UNIGARD INSURANCE COMPANY'S  
MOTION FOR A CONTINUANCE

This matter comes before the Court on "Unigard's Motion to Continue Trial Date and Modify Case Scheduling Order." Dkt. # 44. Having reviewed the memoranda, declarations, and exhibits submitted by the parties, the Court finds as follows:

(1) The parties generally agree that the current case management schedule must be amended to extend the deadline in which to exchange expert reports. They disagree, however, regarding the length of the extension and its impact on the trial date.

(2) Third-party defendant Unigard Insurance Company was notified of Bank of America's claim in September 2005 and has been involved in this case since December 2007. Because the issues presented are not particularly complex, the Court finds that seven months of discovery is more than adequate.<sup>1</sup> The deadlines for joining additional parties and amending

<sup>1</sup> Despite Unigard's assurance that it is diligently pursuing discovery in this matter, it has still not filed a motion to resolve the parties' privilege dispute or any of the other "hotly contested" discovery

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1 pleadings have already passed and Unigard provides no reason to extend those dates. Nor does  
2 the involvement of additional carriers, whose interests generally align with those of Travelers  
3 Indemnity Company, require three additional days of trial time.

4 (3) Pursuant to Local Civil Rule 7(e)(2), Unigard was authorized to file a reply  
5 memorandum of no more than six pages. Instead, it filed a three-page memorandum and a  
6 separate eight-page declaration that sets for the “substance of Unigard’s reply.” Dkt. # 66. Such  
7 reliance on a declaration is improper. The Court has therefore considered only the first six  
8 pages of the Reply Declaration of Karen Weaver and the exhibit attached thereto.

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10 For all of the foregoing reasons, Unigard’s motion to continue the trial and related  
11 dates is GRANTED in part. An amended case management order will be issued shortly.

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13 Dated this 12th day of March, 2008.

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15 Robert S. Lasnik

16 United States District Judge  
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26 matters mentioned in its papers.